

USSN 10/080,233
Page 2

IN THE CLAIMS

1. (canceled)
2. (amended) The phenol oxidizing enzyme of claim [40] 43 wherein said *Stachybotrys* includes *S. parvispora*, *S. chartarum*, *S. kampalensis*, *S. theobromae*, *S. bisbyi*, *S. cylindrospora*, *S. dichroa*, *S. oenanthae* or *S. nilagerica*.
3. (previously amended) An isolated phenol oxidizing enzyme having the amino acid sequence disclosed in SEQ ID NO:2.
- 4 - 7. (canceled)
- 9 - 10. (canceled)
11. (withdrawn) An expression vector comprising the polynucleotide of Claim 8.
12. (withdrawn) A host cell comprising the expression vector of Claim 9, Claim 10, or Claim 11.
13. (withdrawn) The host cell of Claim 12 that is a filamentous fungus.
14. (withdrawn) The host cell of Claim 13 wherein said filamentous fungus includes *Aspergillus* species, *Trichoderma* species and *Mucor* species.
15. (withdrawn) The host cell of Claim 13 that is a yeast.
16. (withdrawn) The host cell of Claim 15 wherein said yeast includes *Saccharomyces*, *Pichia*, *Schizosaccharomyces*, *Hansenula*, *Kluyveromyces*, and *Yarrowia* species.
17. (withdrawn) The host cell of Claim 13 wherein said host is a bacterium.

USSN 10/080,233
Page 3

18. (withdrawn) The host cell of Claim 17 wherein said bacterium includes *Bacillus* and *Escherichia* species.

19. (withdrawn) A method for producing a phenol oxidizing enzyme obtainable from *Stachybotrys* in a host cell comprising the steps of:

- (a) obtaining a host cell comprising a polynucleotide encoding said phenol oxidizing enzyme obtainable from *Stachybotrys* wherein said enzyme has at least 65% identity to the amino acid sequence disclosed in SEQ ID NO:2;
- (b) growing said host cell under conditions suitable for the production of said phenol oxidizing enzyme; and
- (c) optionally recovering said phenol oxidizing enzyme produced.

20. (withdrawn) The method of Claim 19 wherein said phenol oxidizing enzyme is obtainable from a *Stachybotrys* including *S. parvispora*, *S. chartarum*, *S. kampalensis*, *S. theobromae*, *S. bisbyi*, *S. cylindrospora*, *S. dichroa*, *S. oenanthes* and *S. nilagerica*.

21 - 22. (canceled)

38. (canceled)

39. (amended) A phenol oxidizing enzyme having at least [70%] 90% identity to the amino acid sequence disclosed in SEQ ID NO:2 wherein said enzyme is capable of modifying the color associated with dyes or a colored compound.

Please cancel claim 40.

Please cancel claim 41.

42. (previously added) A phenol oxidizing enzyme having at least 95% identity to the amino acid sequence of SEQ ID NO:2.

USSN 10/080,233
Page 4

43. (previously added) The phenol oxidizing enzyme of claim 39, wherein the enzyme is obtained from *Stachybotrys*.

44. (withdrawn) The method of Claim 19, wherein the phenol oxidizing enzyme is obtained from *Stachybotrys*.

45. (withdrawn) An expression vector comprising a polynucleotide encoding the enzyme of Claim 42.

Respectfully submitted,



H. Thomas Anderton, Jr.
Registration No. 40,895

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Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650-846-7544
Fax: 650-845-6504